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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,067	04/21/2004	Isaac Lagnado	200313247-1	6812

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EXAMINER

MILLER, BRANDON J

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/829,067	Applicant(s) LAGNADO, ISAAC	
	Examiner Brandon J. Miller	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Declaration

The Declaration filed on 12/18/2006 under 37 CFR 1.131 is sufficient to overcome the Buckley (US 2005/0148299 A1) reference.

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-11, 15-17, 19-23, 25-33, 36-40, 42-44, 46-48, 50-55 and 57-60 are rejected under 35 U.S.C. 102(e) as being anticipated by Sundar et al. (US 2003/0134650).

Regarding claim 1 Sundar teaches a method for accessing a wireless network (see paragraph [0058]). Sundar teaches detecting at least one wireless network within which a wireless device is located while the wireless device is in a transmit off mode (see paragraphs [0056] & [0058]), transmit off mode relates to passive scanning mode). Buckley teaches determining whether the at least one wireless network is on a list of requested wireless networks (see paragraph [0058]).

Regarding claim 2 Sundar teaches wherein detecting comprises receiving at least one beacon frame from the at least one wireless network (see paragraphs [0056] & [0058]).

Regarding claim 3 Sundar teaches switching the wireless device to a transmit on mode and transmitting an access request to the at least one wireless network in response to determining that the at least one wireless network is on the list of requested wireless networks (see paragraph [0058], during authentication process the wireless device is in a transmit on mode).

Regarding claim 4 Sundar teaches automatically switching the wireless device to a transmit on mode in response to determining the at least one wireless network is on the list of requested wireless networks (see paragraph [0058], during authentication process the wireless device automatically starts transmitting).

Regarding claim 5 Sundar teaches creating a scan list of wireless networks within which the wireless device is located (see paragraph [0059]).

Regarding claim 6 Sundar teaches wherein the scan list comprises an identifier of the at least one wireless network (see paragraphs [0059]).

Regarding claim 7 Sundar teaches wherein the scan list comprises an identifier having a service set identifier (SSID) (see paragraphs [0059]).

Regarding claim 8 Sundar teaches the scan list comprising a set of attributes of the at least one wireless network (see paragraph [0059]).

Regarding claim 9 Sundar teaches comparing a set of attributes of a scan list associated with the at least one wireless network with a set of attributes in the list of requested wireless networks (see paragraph [0059]).

Regarding claim 10 Sundar teaches comparing a scan list associated with the list of requested wireless networks to determine whether the at least one wireless network is on the list of requested wireless networks (see paragraph [0059]).

Regarding claim 11 Sundar teaches determining whether the at least one wireless network is a wireless network whose identifier is unknown (see paragraph [0059]).

Regarding claim 15 Sundar teaches at least one wireless local area network within which the wireless device is located (see paragraph [0058]).

Regarding claim 16 Sundar teaches a method for accessing a wireless network (see paragraph [0058]). Buckley teaches automatically switching a wireless device to a transmit off mode in response to activation of the wireless device (see paragraph [0056], transmit off mode relates to passive mode). Sundar teaches detecting at least one wireless network within which the wireless device is located while the wireless device is in the transmit off mode (see paragraphs [0056] & [0058]).

Regarding claim 17 Sundar teaches determining whether the at least one wireless network is on a list of requested wireless networks (see paragraph [0058]).

Regarding claim 19 Sundar teaches a device as recited in claim 2 and is rejected given the same reasoning as above.

Regarding claim 20 Sundar teaches a device as recited in claim 5 and is rejected given the same reasoning as above.

Regarding claim 21 Sundar teaches comparing a list of requested wireless networks with a scan list of wireless networks within which the wireless device is located (see paragraphs [0058] & [0059]).

Regarding claim 22 Sundar teaches a device as recited in claim 4 and is rejected given the same reasoning as above.

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Regarding claim 23 Sundar teaches a device as recited in claim 15 and is rejected given the same reasoning as above.

Regarding claim 25 Sundar teaches a device as recited in claim 3 and is rejected given the same reasoning as above.

Regarding claim 26 Sundar teaches a system for accessing a wireless network, comprising a wireless device; and application logic operatively associated with the wireless device (see paragraph [0058] and FIG. 7). Sundar teaches switching the wireless device to a transmit off mode (see paragraph [0056], transmit off mode relates to passive mode). Sundar teaches detecting at least one wireless network within which the wireless device is located while in the transmit off mode (see paragraphs [0056] & [0058]).

Regarding claim 27 Sundar teaches a device as recited in claim 17 and is rejected given the same reasoning as above.

Regarding claim 28 Sundar teaches a device as recited in claim 4 and is rejected given the same reasoning as above.

Regarding claim 29 Sundar teaches a device as recited in claim 3 and is rejected given the same reasoning as above.

Regarding claim 30 Sundar teaches a device as recited in claim 2 and is rejected given the same reasoning as above.

Regarding claim 31 Sundar teaches a device as recited in claim 5 and is rejected given the same reasoning as above.

Regarding claim 32 Sundar teaches a device as recited in claim 8 and is rejected given the same reasoning as above.

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Regarding claim 33 Sundar teaches a device as recited in claim 10 and is rejected given the same reasoning as above.

Regarding claim 36 Sundar teaches a device as recited in claim 15 and is rejected given the same reasoning as above.

Regarding claim 37 Sundar teaches a system for accessing a wireless network (see paragraph [0058]). Sundar teaches switching the wireless device to a transmit off mode (see paragraph [0056], transmit off mode relates to passive mode). Sundar teaches detecting at least one wireless network within which the wireless device is located while in the transmit off mode (see paragraphs [0056] & [0058]).

Regarding claim 38 Sundar teaches a device as recited in claim 4 and is rejected given the same reasoning as above.

Regarding claim 39 Sundar teaches a device as recited in claim 17 and is rejected given the same reasoning as above.

Regarding claim 40 Sundar teaches a device as recited in claim 5 and is rejected given the same reasoning as above.

Regarding claim 42 Sundar teaches a system for accessing a wireless network (see paragraph [0058]). Sundar teaches application logic operatively associated with the wireless device (see paragraph [0035] and Fig. 7). Sundar teaches the application logic adapted to selectively switch the wireless device between a transmit off mode and a transmit on mode based on an identification of at least one wireless network (see paragraphs [0056] & [0058]).

Regarding claim 43 Sundar teaches wherein the at least one wireless network comprises a wireless local area network (see paragraph [0058]).

Regarding claim 44 Sundar teaches at least one wireless network comprising an infrastructure network (see paragraph [0006]).

Regarding claim 46 Sundar teaches a device as recited in claim 4 and is rejected given the same reasoning as above.

Regarding claim 47 Sundar teaches a device as recited in claim 5 and is rejected given the same reasoning as above.

Regarding claim 48 Sundar teaches a device as recited in claim 4 and is rejected given the same reasoning as above.

Regarding claim 50 Sundar teaches automatically switching a wireless device to a transmit off mode in response to activation of the wireless device (see paragraph [0056], transmit off mode relates to passive mode).

Regarding claim 51 Sundar teaches switching the wireless device to a transmit on mode and transmitting an access request to the identified wireless network (see paragraph [0058]).

Regarding claim 52 Sundar teaches a method for accessing a wireless network (see paragraph [0058]). Sundar teaches automatically detecting at least one wireless network within which a wireless device is located while the wireless device is on and in a transmit off mode (see paragraph [0058], transmit off mode relates to passive mode).

Regarding claim 53 Sundar teaches a device as recited in claim 17 and is rejected given the same reasoning as above.

Regarding claim 54 Sundar teaches a device as recited in claim 4 and is rejected given the same reasoning as above.

Regarding claim 55 Sundar teaches a device as recited in claim 5 and is rejected given the same reasoning as above.

Regarding claim 57 Sundar teaches a system for accessing a wireless network, comprising a wireless device (see paragraph [0058]). Sundar teaches application logic operatively associated with the wireless device (see paragraph [0036] and Fig. 7). Sundar teaches application logic adapted to automatically detect at least one wireless network within which the wireless device is located while the wireless device is on and in a transmit off mode (see paragraph [0058]).

Regarding claim 58 Sundar teaches a device as recited in claim 17 and is rejected given the same reasoning as above.

Regarding claim 59 Sundar teaches a device as recited in claim 4 and is rejected given the same reasoning as above.

Regarding claim 60 Sundar teaches a device as recited in claim 5 and is rejected given the same reasoning as above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-14, 18, 24, 34-35, 41, 49, 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sundar (US 2003/0134650 A1) in view of Whelan et al. (US 2004/0003285 A1).

Regarding claim 12 Sundar teaches a device as recited in claim 11 except for switching the wireless device to a transmit on mode to identify an unknown wireless network. Sundar does teach switching a wireless device to a transmit on mode (see paragraph [0057]). Whelan does teach identifying an unknown wireless network device (see paragraph [0036]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include switching the wireless device to a transmit on mode to identify an unknown wireless network because this would allow for improved security when internetworking between wireless networks.

Regarding claim 13 Whelan teaches transmitting at least one probe request frame to identify an unknown wireless network (see paragraph [0034]).

Regarding claim 14 Whelan teaches receiving a probe response frame from the unknown wireless network, the probe response frame having an identifier for identifying the unknown wireless network (see paragraph [0034]).

Regarding claim 18 Sundar and Whelan teach a device as recited in claim 11 and is rejected given the same reasoning as above.

Regarding claim 24 Sundar teaches a device as recited in claim 16 except for switching the wireless device to a transmit on mode in response to determining that the at least one wireless network is a wireless network whose identifier is unknown; and transmitting a probe request frame to the at least one wireless network to identify the at least one wireless network. Sundar does teach switching a wireless device to a transmit on mode (see paragraph [0057]). Whelan does teach determining whether a wireless network device is a wireless network device whose identifier is unknown (see paragraph [0036]). Whelan does teach transmitting at least one probe

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request frame to identify an unknown wireless network (see paragraph [0034]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include switching the wireless device to a transmit on mode in response to determining that the at least one wireless network is a wireless network whose identifier is unknown; and transmitting a probe request frame to the at least one wireless network to identify the at least one wireless network because this would allow for improved security when internetworking between wireless networks.

Regarding claim 34 Sundar and Whelan teach a device as recited in claim 11 and is rejected given the same reasoning as above.

Regarding claim 35 Sundar and Whelan teach a device as recited in claim 24 and is rejected given the same reasoning as above.

Regarding claim 41 Sundar and Whelan teach a device as recited in claim 24 and is rejected given the same reasoning as above.

Regarding claim 49 Sundar and Whelan teach a device as recited in claim 24 and is rejected given the same reasoning as above.

Regarding claim 56 Sundar and Whelan teach a device as recited in claim 11 and is rejected given the same reasoning as above.

Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sundar (US 2003/0134650 A1) in view of Krantz (US 2004/0153676 A1).

Regarding claim 45 Sundar teaches a device as recited in claim 42 except for the at least one wireless network comprising an ad-hoc. Krantz teaches at least one wireless network comprising an ad-hoc network (see paragraph 0029)). It would have been obvious to one or

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ordinary skill in the art at the time the invention was made to make the device adapt to include at least one wireless network comprising an ad-hoc network because it is a method of wireless communication and it would allow for improved internetworking between wireless networks.

Response to Arguments

Applicant's arguments with respect to claims 1-60 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rogers et al. Pub. No.: US 2003/0235164 A1 discloses a management of location-aware networks.

Park et al. Pub. No.: US 2004/0047323 A1 discloses a method for selecting system and transmitting data for WLAN and mobile phone network inter-working service.

Haverinen et al. Pub. No.: US 2003/0119481 A1 discloses a roaming arrangement.

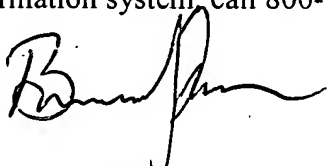
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon J. Miller whose telephone number is 571-272-7869.

The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

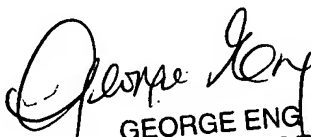
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



January 11, 2007



GEORGE ENG
SUPERVISORY PATENT EXAMINER